

**675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532**



For Meeting of: July 17, 2012

To: City Council
From: Kevin Caldwell, Community Development Director 
Through: Jim Stretch, City Manager
Date: July 13, 2012, 2012
Subject: Albin General Plan Amendment and Zone Reclassification


At the request of the applicant, Andy Albin, the project was continued to your meeting of July 17th. Attached is the Albin staff report. Once again, in an attempt to save copy costs, staff did not include some of previously provided attachments which were provided to your Council for the meeting of May 15, 2012. If you need another copy of those attachments, please let staff know.


675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



For Meeting of: June 19, 2012
SUPPLEMENTAL INFORMATION

To: City Council

From: Kevin Caldwell, Community Development Director 

Through: Jim Stretch, City Manager 

Date: June 13, 2012

Subject: Albin General Plan Amendment and Zone Reclassification

Attached is the Albin staff report. In an attempt to save copy costs, staff did not include some of previously provided attachments which were provided to your Council for the meeting of May 15, 2012. If you need another copy of those attachments, please let staff know.

As you're aware the Council considered the Albin amendments at the meeting of May 15th. Both Council members Leonard and Marks were not able to attend the meeting. After public comment, Council members, Wilson, Thompson and Mayor Woodall discussed and deliberated the application. I believe the Council felt that the proposed amendments have both advantages and disadvantages. Council member Wilson felt that it was in the City's best financial interest to redesignate the property Community Commercial to Urban Residential.

Following the discussion, Council member Wilson made a motion to approve the proposed General Plan Amendment and Zone Reclassification. The Motion was seconded by Council member Thompson and the Council voted 2-1 to approve the requested amendments. There was subsequent discussion regarding the Council's action and whether a majority of the entire Council was required in order to approve the proposed amendments. At that point the Council determined that it would be in the best interest of the City to have the other Council members consider and vote on the proposed amendments. As such, Council member Wilson made a motion to withdraw his original motion and continue the item to the meeting of June 5th. The motion was seconded and passed 3-0.

Staff subsequently reviewed the Government Code regarding Plan Amendments and Zone Reclassifications and determined that a majority of the total membership of the legislative body is required in order to approve General Plan Amendments. Staff checked with legal counsel and it was confirmed that a majority of the entire Council is required to approve General Plan Amendments.

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



For Meeting of: May 15, 2012
CONTINUED TO JUNE 19, 2012

To: City Council

From: Kevin Caldwell, Community Development Director

Through: Ron Henrickson, City Manager

Date: April 30, 2012

Subject: Albin General Plan and Zone Reclassification

Recommendation:

That the City Council:

1. Receive staff's report regarding the proposed General Plan and Zone Reclassification;
2. Open the public hearing, receive public input and deliberate;
3. Consider the application and based on information contained in the staff report, the applicant's justification, public comments, the Planning Commission's recommendation;
4. Introduce Ordinance No. 290-2012 and Resolution No. ¹¹⁵⁷~~1153~~-A-2012 amending the plan and zoning designation of approximately 3 acres from Community Commercial (CC) to Urban Residential (UR); and continue consideration of the proposed Ordinance and Resolution to your meeting of July 3, 2012 for second reading and adoption; **or**
5. Adopt Resolution No. ¹¹⁵⁷~~1153~~-B-2012 **denying** the proposed General Plan Amendment and Zone Reclassification designating approximately 3 acres from Community Commercial (CC) to Urban Residential (UR) .

Background and Discussion

Andy Albin has made application to redesignate approximately 3 acres from Community Commercial (CC) to Urban Residential (UR). Included as **Attachment 1** is the applicant's justification for the proposed amendments.

The property was originally planned and zoned Residential Multiple Family (R-3) as part of the City's initial zoning designations after incorporation in 1965. The R-3 zone principally permitted single family, two family and dwelling groups and multiple dwellings for not more than four families.

The property was redesignated in 2004 to Community Commercial. At that time the parcel included some lands to the east of the subject property which was and is designated Urban Residential. In May of 2006, a minor subdivision creating four parcels and a Remainder (the subject parcel) was approved. Sometime in 2008 or 2009 the applicant informally requested the City consider redesignating the parcel from Community Commercial to Urban Residential. At that time, the City chose not to consider amending the land use designations.

As indicated above, the applicant's agent has submitted justification in support of making the required Public Interest and General Plan consistency findings. Below is a summary of the justification:

Public Interest

- Re-zoning to "Urban Residential" would make this parcel compatible with the surrounding existing residential use;
- Residential development will not require modifications to the Gateway improvements adjacent to the parcel;
- Redesignating the parcel to Residential will further encourage commercial development to the Town Center and the Todd parcel;
- Residential development will not detract from the view of the Scotia bluffs and be easy to landscape for privacy

General Plan

- The General Plan encourages commercial development in the Town Center. Consistent with this policy, redesignating the parcel to Residential will further encourage commercial development to the Town Center and the Todd parcel ;
- The General Plan encourages compatible development. Residential development would be more compatible with the existing surrounding residential development.

The Planning Commission considered the application at their meeting of April 25, 2012. Based on information provided to the Commission and comments from the public, the Planning Commission is recommending denial of the proposed amendments at this time. The Planning Commission denied the application for the following reasons:

- Limited amount of available, vacant, viable Community Commercial land;
- Parcel has very good visibility and convenient highway access;

- Existing inventory of residentially designated lands.

Procedures for Plan Amendments

California Government Code § 65350-65362 contains the following procedural requirements to amend a general plan:

- Prior to action to amend a general plan, the proposed action should be referred to and circulated for 45 days to: the City, County, school districts, LAFCo, regional planning agencies, any federal or state agencies, water providers, and Native American tribes with traditional lands located within the City;
- The Planning Commission shall hold at least one public hearing before approving a recommendation on the amendment;
- The Planning Commission shall make a written recommendation on the amendment;
- Prior to amending the general plan, the City Council shall hold at least one public hearing;
- The City Council shall amend the general plan by resolution, which shall be adopted by not less than a majority of the legislative body;
- City Council may approve, modify, or disapprove the Planning Commission recommendations, however any substantial modifications not previously considered by the Planning Commission shall first be referred to the Planning Commission for its recommendation;
- Copies of the adopted general plan amendment shall be made available for inspection by the public one working day following adoption;
- Within two working days after a request, copies shall be furnished to those so requesting;
- Any specific plan or other plan of the City that is applicable to the same areas or matters affected by a general plan amendment shall be reviewed and amended as necessary to make the specific or other plan consistent with the General Plan;

Procedures for Zoning Ordinance Amendments

Pursuant to Section 17.30.010 of the City of Rio Dell Municipal Code, the following City procedures are required to amend the Ordinance:

- An amendment may be initiated by one or more owners of property affected by the proposed amendment, as set out in Section 17.30.010(3), or by action of the Planning Commission, or the City Council.
- The application of one or more property owners for the initiation of an amendment shall be filed in the office of the City Clerk on a form provided, accompanied by a filing fee.
- Subject only to the rules regarding the placing of matters on the Planning Commission agenda, the matter shall be set for a public hearing.
- Notice of hearing time and place shall be published once in a newspaper of general circulation at least ten calendar days before the hearing or by posting in at least three public places.

- At the public hearing, the Planning Commission shall hear any person affected by the proposed amendment. The hearing may be continued from time to time.
- Within 40 days of the conclusion of the hearing, the Planning Commission shall submit to the City Council a written report of recommendations and reasons therefore.
- Subject only to the rules regarding the placing of matters on its agenda, the City Council, at its next regular meeting following the receipt of such report, shall cause the matter to be set for a public hearing. Notice of the time and place of the hearing shall be given as provided in Section 17.30.010(5), hereof.
- At the public hearing, the City Council shall hear any person affected by the proposed amendment. The hearing may be continued to a specified future date, but shall be concluded within 60 days of the commencement thereof.
- The City Council shall not make any change in the proposed amendment until the proposed change has been referred to the Planning Commission for a report, and the Planning Commission report has been filed with the City Council.

Plan and Zone Amendment Required Findings:

1. The proposed amendments are deemed to be in the public interest.

The applicant's agent has submitted justification for the proposed amendment which is included as Attachment 1. In regards to the required Public Interest finding, the applicant provided the information below as evidence that the proposed amendment is in the public interest:

"It is in the City's and public's interest to encourage commercial development in the "Town Center" and to discourage a commercial "strip mall" development along Wildwood Ave. Rio Dell is not a destination area which will attract the vacationing public to the City. The "Town Center" area of the City stands to benefit from the attractions, subdivision and industrial uses located in the town of Scotia. Residential use of this area will not create the need for additional access onto Wildwood Ave. Residential use is consistent and compatible with the existing residential neighborhood. "

In addition, the applicant's agent provided the following information as part of the justification included as Attachment 1:

"It was once believed that this parcel's proximity to US 101 would make it an ideal commercial site for serving traffic on the highway. Now, the City has identified a more appropriately located parcel along US 101."

It should be noted that the above reference to the parcel along US 101 is the Todd parcel that the City was pursuing for acquisition and development. However, this parcel was and is already zoned Community Commercial.

Staff Analysis

In order to determine if the proposed amendment is in the public interest, staff believes we need to evaluate the commercial and residential land use inventory for the City. Table 1 below identifies the amount of commercial and residential land within the City.

**Table 1
Commercial/Residential Lands**

Land Use/Zoning Designation		Acres	% of City
CC	Community Commercial	33	2.6%
NC	Neighborhood Commercial	6.0	0.5%
TC	Town Center	48	3.8%
UR	Urban Residential	323.6	25.3%
SL	Suburban Low	188	14.7%
SR	Suburban Residential*	21.7	1.7%
RR	Rural Residential	334	26.1%

**Does not include approximately 55.5 acres of the Blue Slide Road Annexation*

As the above table indicates, there is ample residential land, approximately 323 acres of lands designated Urban Residential and a total of about 870 acres, to facilitate residential development within the City. At this point in time there doesn't appear to be need for additional residential lands within the City. In contrast there is only about 33 acres designated for Community Commercial development. Please refer to the Land Use Map included as **Attachment 3**.

Again, referring to the current land use inventory only 2.6% or 33 acres of the City is zoned Community Commercial. There are twenty (20) parcels in the City that area zoned Community Commercial. Of those twenty parcels only four are vacant. Please refer to Table 2. Of the four vacant parcels, only one parcel (APN's 052-232-005 & -010); located at the intersection of Davis Street and Ireland Avenue is larger than a 2/3 of an acre or 30,055 square feet. The other three vacant parcels are 6,724 square feet, 8,276 square feet and 14,460 square feet respectively. The 14,460 square foot parcel (APN 052-211-022) is owned by the Baptist Church and is only about 50 feet deep and about 300 feet wide. In addition, although not permanent, the southerly portion of the parcel is developed with the Community Garden and Orchard. Staff believes that the only parcel with realistic commercial development potential is APN's 052-232-005 & -010. This parcel is a little over a 1/3 of an acre and has excellent access and visibility making ideal for future commercial development. Please refer to the map included as **Attachment 2**.

**Table 2
Vacant Community Commercial Parcels**

Assessor Parcel Number	Size Sq. Ft.	Developed	Use	Frontage Street	Comments
052-211-022	14,460	No	Vacant	Wildwood Avenue	Parcel is 50'+/- deep. Development potential is very limited.
052-222-004	8,276	NO	Vacant	Wildwood Avenue and Center Street	Parcel is limited due to its size.
052-232-041	6,724	NO	Vacant	Davis Street	Parcel is limited due to its size.
052-232-005 & -010	30,055	NO	Vacant	Davis Street and Ireland Avenue	Very good development potential.

According to both the General Plan and Zoning designations, the purpose of the Community Commercial or CC land use and zoning designation is to provide for large-scale commercial uses, including super-markets, offices, lodging and civic uses. In addition, all uses allowed as conditionally permitted uses in the Neighborhood Commercial zone are also principally permitted. Please refer to **Attachments 5 and 6**.

One of the twenty parcels is the Todd parcel discussed above and it does have very high development potential. The Todd parcel is approximately 18 acres and is developed with a single family residence and barn. As indicated above, the City pursued the purchase and subsequent development of the parcel. Although the City offered the property owner \$975,000 for the parcel, the property owner wanted \$50,000 guaranteed should the City not be able to complete the terms of the purchase agreement. As such, staff believes the City should not count on this parcel being developed in the near future.

Notwithstanding the asking price (\$385,000) of the parcel, past subdivisions of the parcel, which reduced its size and the Gateway road improvements along the frontage of the parcel which will require additional expenditures to develop may have an impact on the parcels commercial viability.

The applicant's agent has pointed out that the parcel has been on the market for close to 2 ½ years. However this in itself has little, if any, bearing on the commercial viability of the parcel. Real estate sales in general are down not only in Humboldt County, but throughout the country as well. In addition, the applicant's agent has provided the following justification on support of the proposed amendments:

- *Some commercial uses have developed northerly along Wildwood Ave. towards this site. Further commercial development along Wildwood would continue the fragmentation of the Town Center.*

Staff disagrees. The commercial development of the parcel should not have an impact on the "fragmentation" of the Town Center. In fact, it is staff's opinion that the commercial development of properties adjacent to and visible from Highway 101 will help attract the traveling public to the City, including the downtown area.

- *Commercial development should be encouraged in the Town Center or adjacent to US 101 where it's possible to draw the traveling public.*

Staff agrees. Commercial development should be and is encouraged in the Town Center. However, the Town Center and Community Commercial designations are intended to provide different commercial use types.

- *This parcel does not have good US 101 visibility and any commercial development here would draw business away from Town Center.*

Staff disagrees. The subject parcel and the Todd parcel provide the best highway visibility of any of the parcels designated Community Commercial. Again, staff believes if we can encourage the traveling public to notice commercial/shopping opportunities within the City that it will help attract business to the down town area.

- *Raw land is more easily developed into today's retail/commercial type businesses. Converting existing structures into desirable retail space is difficult with today's building code requirements.*

Staff agrees. This justification actually supports retaining the property as Community Commercial. There are very few vacant parcels in the Town Center designation that can be commercially developed. Again, the Town Center and Community Commercial designations are intended to provide different commercial use types.

- *Another problem with this parcel is that a commercial establishment would want to take access from Wildwood Ave. which the City would prefer not to allow.*

Staff disagrees. Access off of Wildwood Avenue was and is expected as part of any commercial development of the site. In fact, the parcel's location on Wildwood Avenue adjacent to the Highway is one of the parcels attributes that is identified in the parcels multiple listing on the Humboldt Association of Realtors website. Please see **Attachment 7**.

- *Allowing this parcel to develop into a commercial enterprise would weaken the resolve to maintain a core downtown area.*

Staff disagrees. Again, the commercial development of the parcel should not have an impact on the commercial viability of the Town Center. As indicated above, Town Center and Community Commercial designations are intended to provide different commercial use types. Furthermore, as previously indicated it is staff's opinion that the commercial development of properties adjacent to and visible from Highway 101 will help attract the traveling public to the City, including the downtown area.

Based on the above discussion and the applicant's justification, it is staff's opinion that the proposed amendment to change the parcel from Community Commercial to Urban Residential **may not be in the public interest** at this time. However, based on the information provided by the applicant's agent, the Commission could recommend that the proposed amendment is in the public interest.

2. The proposed amendments are consistent and compatible with the rest of the General Plan and any implementation programs that may be affected.

The purpose of the General Plan is to provide a balance of use types to encourage and facilitate planned orderly development within the City. Below are goals and policies of the General Plan associated with the proposed amendments:

- Promote a variety of commercial uses and allow light manufacturing in appropriate commercial zones.

The various commercial designations are intended to provide a variety of commercial uses. Based on the limited development potential of all lands designated Community Commercial, it is staff's opinion that the removal of Community Commercially designated lands may be premature at this time. Should base information and/or community values and assumptions change, it would certainly be reasonable to reevaluate land use designations throughout the City.

- Provide sufficient land for business expansion and attraction of new employers by designating a mixed use corridor along Wildwood Avenue and in the Town Center.

As previously discussed and documents, staff believes there is a very limited supply of suitable land designated Community Commercial, especially Community Commercial land visible and adjacent to Highway 101 and commercial land along the City's major thoroughfare.

- Encourage infill development of vacant and underutilized land in the Town Center before amending the General Plan to allow additional commercial and residential land elsewhere.

Staff believes amending the General Plan and Zoning designation from Community Commercial to Urban Residential would conflict with this adopted policy. However, it could be argued that amending the land use designation as requested could facilitate additional commercial development in the Town Center.

- Monitor market demand for residential land and consider, where appropriate, changes in the City General Plan Land Use Element and Zoning to ensure a balance in residential uses and densities.

The applicant's agent has pointed to the fact that the parcel has been on the real estate market for over 2 ½ years. This could indicate that the demand for commercial land in Rio Dell is not present.

At this point in time based on existing General Plan goals and policies, staff believes the proposed amendments **may not be consistent the General Plan** and its implementation policies and programs. However, the Commission could recommend approval if they believe the proposed amendments would result in focusing commercial development in the Town Center, which is consistent with an overall comprehensive view of the General Plan.

3. The potential impacts of the proposed amendments have been assessed and have been determined not to be detrimental to the public health, safety, or welfare.

There is no evidence to suggest that the proposed amendments would be detrimental to the public health, safety or welfare.

4. The proposed amendments have been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA).

State law requires that any amendment of a general plan comply with the California Environmental Quality Act (CEQA). The primary purpose of CEQA is to inform the decision makers and the public of potential environmental effects of a proposed project. Since the project is a discretionary action subject to CEQA, an Initial Study has been prepared to assess environmental factors that could potentially be affected by the project. Because residential development of the site is a "foreseeable" project under the proposed amendments, staff evaluated the impacts of residential development on the site. Through preparation of the Initial Study, it has been found that there will not be a significant effect in this case because features of the project reduce impacts and mitigation measures have been included to further reduce impacts to a less than significant level. These measures are documented in the Initial Study

and Draft Mitigated Negative Declaration which has been prepared and is attached to this staff report as **Attachment 8**. The Notice of Intent to adopt a Mitigated Negative Declaration (finding of no significant adverse environmental effect) on the project was mailed and posted on February 28, 2012. Pursuant to Section 15073 of the CEQA Guidelines requires that the public review period be not less than 20 days.

Financial Impact

The applicant is responsible for the costs associated with the proposed amendments.

Alternatives

The City Council may approve in whole or in part or deny of the proposed amendments. Should the City Council believe the required findings can be made; the Council should introduce the draft Ordinance and Resolution and continue the hearing to the meeting of June 5, 2012 for the second reading, approval and adoption. Should the City Council believe the required findings cannot be made; the Council should approve and adopt Resolution No. 1153-B-2012 denying the proposed amendments.

Attachments

Attachment 1: Applicant's justification regarding the proposed amendments. **Previously provided.**

Attachment 2: Map of parcel and surrounding area.

Attachment 3: Map of Community Commercial parcels.

Attachment 4: Map of the four vacant Community Commercial parcels.

Attachment 5: Community Commercial Development Standards. **Previously provided.**

Attachment 6: Neighborhood Commercial Development Standards. **Previously provided.**

Attachment 7: Parcel's Multiple Listing advertisement. **Previously provided.**

Attachment 8: Initial Study and Mitigated Negative Declaration. **Previously provided.**

Attachment 9: Draft Ordinance No. 290-2012 and Resolution No. 1153-A-2012 approving the proposed amendments.

Attachment 10: Draft Resolution No. 1153-B-2012 denying the proposed amendments.

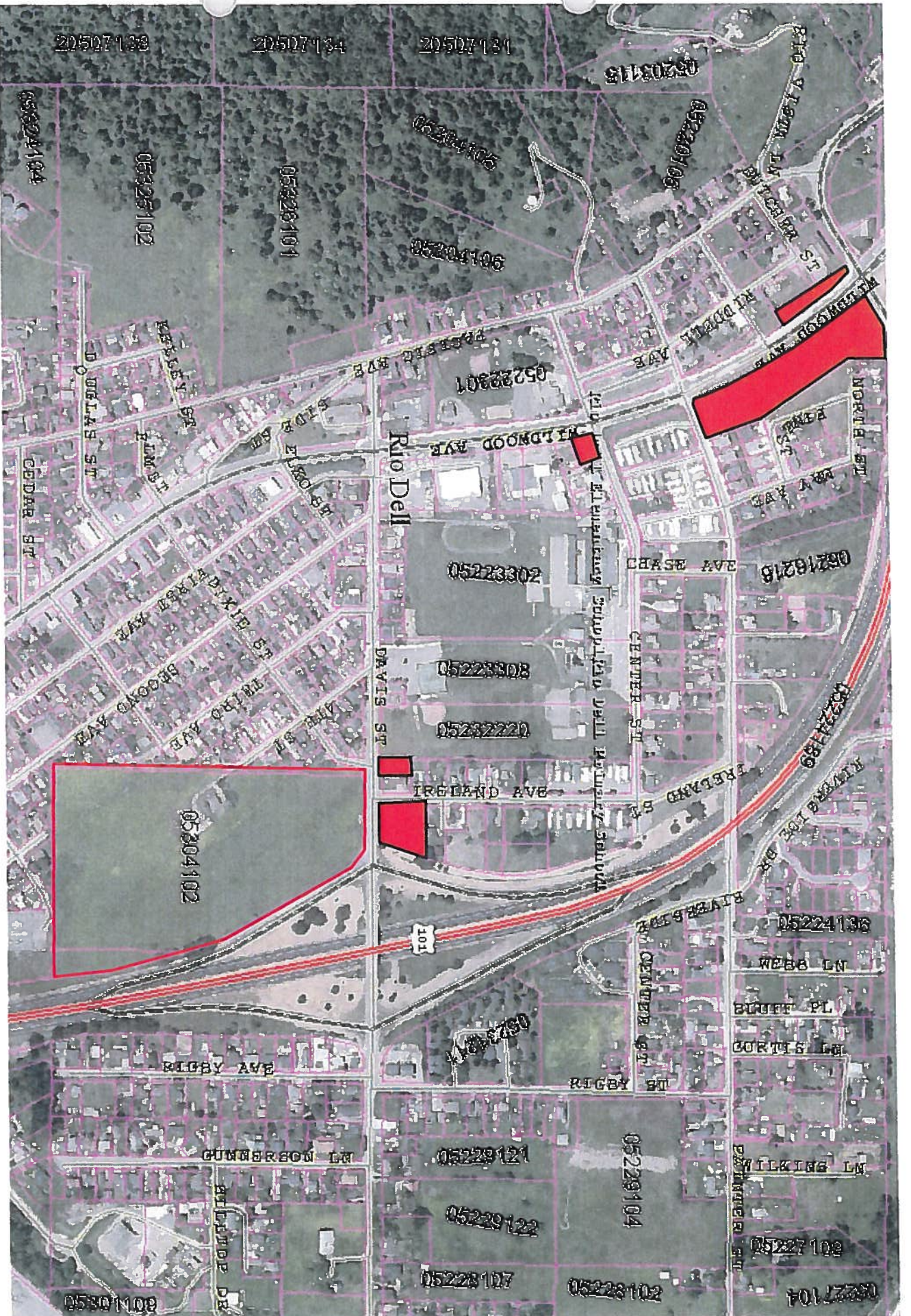
Albin General Plan Amendment and Zone Reclassification

Applicant's justification regarding the proposed amendments.

Previously provided.

Attaciment 2

Vacant Community Commercial Parcels



Albin General Plan Amendment and Zone Reclassification
Community Commercial Development Standards.

Previously provided.

Albin General Plan Amendment and Zone Reclassification
Neighborhood Commercial Development Standards.

Previously provided.

Albin General Plan Amendment and Zone Reclassification

Parcel's Multiple Listing advertisement.

Previously provided.

Albin General Plan Amendment and Zone Reclassification

Initial Study and Mitigated Negative Declaration.

Previously provided.

RESOLUTION NO. CC 1153-A-2012

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIO DELL APPROVING THE
ALBIN GENERAL PLAN AMENDMENT AND ZONE RECLASSIFICATION:**

WHEREAS Andy Albin has made application to redesignate approximately 3 acres from Community Commercial (CC) to Urban Residential (UR); and

WHEREAS the property was originally planned and zoned Residential Multiple Family (R-3) as part of the City's initial zoning designations after incorporation in 1965; and

WHEREAS the property was redesignated in 2004 to Community Commercial; and

WHEREAS it is in the City's and public's interest to encourage commercial development in the "Town Center" and to discourage a commercial "strip mall" development along Wildwood Ave; and

WHEREAS residential development of the parcel is consistent and compatible with the existing residential neighborhood; and

WHEREAS commercial development of the parcel could weaken the City's desire to maintain a core downtown area; and

WHEREAS based on information on file, existing land use designations and the applicant's justification, the proposed amendment to change the parcel from Community Commercial to Urban Residential **is in the public interest**; and

WHEREAS the General Plan calls to monitor market demand for residential land and consider, where appropriate, changes in the City General Plan Land Use Element and Zoning to ensure a balance in residential uses and densities; and

WHEREAS based on information from the applicant's agent, the current demand for commercial land is less than that for residential land; and

WHEREAS the General Plan encourages residential infill development of vacant and underutilized land; and

WHEREAS based on existing General Plan goals and policies, the proposed amendments **can be found consistent the General Plan** and its implementation policies and programs; and

WHEREAS the City has reviewed and processed the proposed amendment in conformance with Sections 65350 – 65362 of the California Government Code; and

WHEREAS the City has reviewed and processed the proposed amendment in conformance with Section 17.30.010 of the City of Rio Dell Municipal Code; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the potential impacts of the proposed amendment has been assessed and have been determined not to be detrimental to the public health, safety, or welfare; and

WHEREAS the proposed amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

WHEREAS an Initial Study has been prepared to assess environmental factors that could potentially be affected by the project; and

WHEREAS through preparation of the Initial Study, it has been found that should the amendments be approved, there will not be a significant effect in this case because features of the project reduce impacts and mitigation measures have been included to further reduce impacts to a less than significant level; and

WHEREAS pursuant to Section 15073 of the CEQA Guidelines requires that the public review period be not less than 20 days; and

WHEREAS the Notice of Intent to adopt a Mitigated Negative Declaration (finding of no significant adverse environmental effect) on the project was mailed and posted on February 28, 2012.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Rio Dell approves the Albin General Plan Amendment and Zone Reclassification of approximately 3 acres from Community Commercial (CC) to Urban Residential (UR) ;).

I HEREBY CERTIFY that the forgoing Resolution was duly introduced at a regular meeting of the City Council of the City of Rio Dell on May 15, 2012 and furthermore the forgoing Resolution was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the 5th day of June 2012 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Julie Woodall, Mayor

Karen Dunham, City Clerk

RESOLUTION NO. CC 1153-B-2012

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIO DELL DENYING THE ALBIN
GENERAL PLAN AMENDMENT AND ZONE RECLASSIFICATION:**

WHEREAS Andy Albin has made application to redesignate approximately 3 acres from Community Commercial (CC) to Urban Residential (UR); and

WHEREAS the property was originally planned and zoned Residential Multiple Family (R-3) as part of the City's initial zoning designations after incorporation in 1965; and

WHEREAS the property was redesignated in 2004 to Community Commercial; and

WHEREAS there is ample residential land, approximately 323 acres of lands designated Urban Residential and a total of about 870 acres, to facilitate residential development within the City; and

WHEREAS at this point in time there doesn't appear to be need for additional residential lands within the City; and

WHEREAS in contrast there is only about 33 acres designated for Community Commercial development; and

WHEREAS there are only twenty (20) parcels in the City that area zoned Community Commercial; and

WHEREAS of those twenty parcels only four are vacant; and

WHEREAS of the four vacant parcels, only one parcel (APN's 052-232-005 & -010); located at the intersection of Davis Street and Ireland Avenue is larger than a 2/3 of an acre or 30,055 square feet; and

WHEREAS the other three vacant parcels are 6,724 square feet, 8,276 square feet and 14,460 square feet respectively. The 14,460 square foot parcel (APN 052-211-022) is owned by the Baptist Church and is only about 50 feet deep and about 300 feet wide; and

WHEREAS based on information on file, existing land use designations and the applicant's justification, the proposed amendment to change the parcel from Community Commercial to Urban Residential **is not in the public interest** at this time; and

WHEREAS the General Plan calls to promote a variety of commercial uses and allow light manufacturing in appropriate commercial zones; and

WHEREAS based on the limited development potential of all lands designated Community Commercial, it is staff's opinion that the removal of Community Commercially designated lands may be premature at this time; and

WHEREAS the General Plan requires the City to provide sufficient land for business expansion and attraction of new employers by designating a mixed use corridor along Wildwood Avenue and in the Town Center; and

WHEREAS there is a very limited supply of suitable land designated Community Commercial, especially Community Commercial land visible and adjacent to Highway 101 and commercial land along the City's major thoroughfare; and

WHEREAS the General Plan encourages infill development of vacant and underutilized land in the Town Center before amending the General Plan to allow additional commercial and residential land elsewhere; and

WHEREAS amending the General Plan and Zoning designation from Community Commercial to Urban Residential would conflict with this adopted policy; and

WHEREAS based on existing General Plan goals and policies, the proposed amendments **are not consistent the General Plan** and its implementation policies and programs; and

WHEREAS the City has reviewed and processed the proposed amendment in conformance with Sections 65350 – 65362 of the California Government Code; and

WHEREAS the City has reviewed and processed the proposed amendment in conformance with Section 17.30.010 of the City of Rio Dell Municipal Code; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the potential impacts of the proposed amendment has been assessed and have been determined not to be detrimental to the public health, safety, or welfare; and

WHEREAS the proposed amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

WHEREAS an Initial Study has been prepared to assess environmental factors that could potentially be affected by the project; and

WHEREAS through preparation of the Initial Study, it has been found that should the amendments be approved, there will not be a significant effect in this case because features of the project reduce impacts and mitigation measures have been included to further reduce impacts to a less than significant level; and

WHEREAS pursuant to Section 15073 of the CEQA Guidelines requires that the public review period be not less than 20 days; and

WHEREAS the Notice of Intent to adopt a Mitigated Negative Declaration (finding of no significant adverse environmental effect) on the project was mailed and posted on February 28, 2012.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Rio Dell denies the Albin General Plan Amendment and Zone Reclassification of approximately 3 acres from Community Commercial (CC) to Urban Residential (UR) ;).

I HEREBY CERTIFY that the forgoing Resolution was duly introduced at a regular meeting of the City Council of the City of Rio Dell on May 15, 2012 and furthermore the forgoing Resolution was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the 5th day of June 2012 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Julie Woodall, Mayor

Karen Dunham, City Clerk

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



For Meeting of: July 17, 2012

To: City Council

From: Kevin Caldwell, Community Development Director 

Through: Jim Stretch,  City Manager

Date: July 9, 2012

Subject: CDBG Owner Occupied Rehabilitation Guidelines

Recommendation:

That the City Council:

1. Receive staff's report regarding revisions to the CDBG Program Guidelines;
2. Re-Open the public hearing, receive public input and deliberate;
3. Adopt Resolution No. 1153-2012 amending the CDBG Program Guidelines.

Discussion

The Council has been considering changes to the CDBG Owner Occupied Rehabilitation Guidelines. These changes include:

- Establishing a sliding scale interest rate of 1%, 2% and 3% based on income;
- Reducing the interest rate from 7% to 5% for Owner-Investor Units;
- Prioritizing Owner Occupied loans over Owner-Investor loans;

- Appointing the City Manager, Finance Director and the Community Development Director as the Loan Committee;
- Establishing the City Council as the Loan Appeal Committee.

At the meeting of July 3, 2012, the Council directed staff to check with the State regarding the composition of the Loan Committee and establishing the City Council as the Loan Committee Appeal body. The State indicated that the composition of the Loan Committee is up to the local jurisdiction. However, they do recommend that the Loan Committee have a background in finance and real estate underwriting. Below is a copy of the revised recommended language:

9) LOAN COMMITTEE

A) Committee Composition

1. The loan committee shall consist of ~~an odd number of persons, including at least one Lender staff member. Committee members will be selected from the City Council.~~ the City Manager, Finance Director and Community Development Director. Appeals to the Loan Committee's decision shall be heard by the City Council.

Another point of discussion at the June 19th meeting was whether loan recipients were required to maintain their homes as a condition of the loan. There is language in both the Deed of Trust and the Deferred Loan Payment Agreement that does require the borrower to maintain the property. Copies of these provisions are included as Attachments 2 and 3.

Once again staff has submitted the proposed revisions to the State for their review and approval. The State has reviewed and preliminarily approved the recommended changes. Once the Council adopts the Resolution amending the Guidelines, the State has indicated that they will formally approve the changes.

Attachments

Attachment 1: Resolution No. 1153-2012 amending the City's Housing Rehabilitation Program Guidelines.

Attachment 2: Portion of Deed of Trust regarding maintenance of property.

Attachment 3: Portion of Deferred Loan Payment Agreement regarding maintenance of property.

RESOLUTION NO. 1153 - 2012

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIO DELL AMENDING THE 2006
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM GUIDELINES**

WHEREAS the existing CDBG Program Guidelines were adopted in 2006; and

WHEREAS the purpose of the program is to expand the supply of decent, safe, sanitary and affordable housing; to correct health and safety hazards in deteriorated housing and to extend the useful life of existing housing units; and

WHEREAS loans and grants are available to achieve cost-effective repairs for low income owner occupied homes or for units occupied by low income tenants of owner-investors; and

WHEREAS the City took over administration of the program in June of 2011; and

WHEREAS staff has reformatted the Guidelines and determined that the Guidelines need to be amended; and

WHEREAS the Guidelines currently refer to the Uniform Building Code which has been superseded by the adoption of the California Building Code (CBC) in 2010; and

WHEREAS the current Guidelines refer to the 2006 Income Eligibility and Rental Limitation Requirements; and

WHEREAS the current interest rate for owner occupied rehabilitation loans is 3% simple interest; and

WHEREAS in an attempt to encourage more residents to take advantage of the program, the City would like to implement a sliding scale interest rate based on income; and

WHEREAS in an attempt to encourage Owner Investors to make improvements to their rental units the City is reducing the interest rate from 7% to 5%; and

WHEREAS the current Guidelines do not specifically identify the terms and length of deferred payments; and

WHEREAS the City Council would like to prioritize Owner Occupied Loans over Owner Investor Loans; and

WHEREAS the City Council would like to establish the City Manager, Finance Director and the Community Development Director as the Loan Committee; and

WHEREAS the City Council would like to consider and hear appeals to the Loan Committee's decisions.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Rio Dell hereby amends the Guidelines as follows:

1. To reference the California Building Code; and
2. To reflect the current U.S. Department of Housing and Urban Development (HUD) 2012 Income and Rental Limitation rates; and
3. To include a sliding simple interest rate scale for Owner Occupied Rehabilitation Loans based on household income levels: Extremely Low Income 1%; Very Low Income 2%; Low Income 3%; and
4. To reduce the interest rate for qualified Eligible Owner-Investor Units from the current 7% interest rate to a 5% interest rate; and
5. To allow the loan to be deferred for a period up to fifteen (15) years and up to thirty (30) years or time of sale or transfer for homeowners over 65 and/or Extremely Low Income or Very Low Income; and
6. To establish Owner Occupied Loans as a priority over Owner Investor Loans; and
7. To establish that the City Manager, Finance Director and Community Development Director as the Loan Committee; and
8. To establish the City Council as the appeal body of the Loan Committee's decision.

BE IT FURTHER RESOLVED that the proposed changes will become effective upon written approval from the Department of Housing and Community Development.

I HEREBY CERTIFY that the forgoing Resolution was duly noticed, introduced and approved at a regular meeting of the City Council of the City of Rio Dell on July 17, 2012 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Julie Woodall, Mayor

ATTEST:

Karen Dunham, City Clerk

restoration or repair is not economically feasible or if the security of this Deed of Trust would be impaired, the insurance proceeds will be applied to the sums secured by this Deed of Trust, with the excess, if any, paid to Borrower. If the Property is abandoned by Borrower, or if Borrower fails to respond to City within thirty (30) days from the date notice is mailed by City to Borrower that the insurance carrier offers to settle a claim for insurance benefits, City is authorized to collect and apply the insurance proceeds at City's option either to restoration or repair of the Property or to the sums secured by this Deed of Trust.

Unless City or Borrower otherwise agree in writing, any such application of proceeds to principal will not extend or postpone the due date of the monthly installments referred to above or change the amount of such installments. If the Property is acquired by City, all right, title and interest of Borrower in and to any insurance policies and in and to the proceeds thereof resulting from damage to the Property prior to the sale or acquisition will pass to City to the extent of the sums secured by this Deed of Trust immediately prior to such sale or acquisition.

7. Preservation and Maintenance of Property. Borrower will keep the Property in good repair and will not commit waste or permit impairment or deterioration of the Property.

8. Protection of City Security. If Borrower fails to perform the covenants and agreements contained in this Deed of Trust, or stops the project, or if an event of default occurs under any encumbrance, lien, assessment, mortgage or Deed of Trust, which has or which attains priority over this Deed of Trust, or if any action proceeding is commenced which materially affects City's interest in the Property, including, but not limited to, eminent domain, insolvency, code enforcement, or arrangements or proceedings involving a bankrupt or decedent, then City at City's option, upon notice to Borrower, may make such appearances, disburse such sums and take such action as is necessary to protect City's interest, including, but not limited to, disbursement of reasonable attorney's fees and entry upon the Property to make repairs.

Any amounts disbursed by City pursuant to this paragraph, with interest thereon, will become additional indebtedness of Borrower secured by this Deed of Trust. Unless Borrower and City agree to other terms of payment, such amounts will be payable upon notice from City to Borrower requesting payment thereof, and will bear interest from the date of disbursement at the rate payable from time to time on out standing principal under the Note unless payment of interest at such rate would be contrary to applicable law, in which event such amounts will bear interest at the highest rate permissible under applicable law. Nothing contained in this paragraph will require City to incur any expense or take any action hereunder.

9. Inspection. City may make or cause to be made reasonable entries upon and inspections of the Property, provided that City will give Borrower reasonable notice of inspection.

10. Condemnation. The proceeds of any award or claim for damages, direct or consequential, in connection with any condemnation or other taking of the Property, or part thereof, or for conveyance in lieu of condemnation, are hereby assigned and will be paid to City. In the event of a total taking of the Property, the proceeds will be applied to the sums secured by this Deed of Trust, with the excess, if any, paid to Borrower. In the event of a partial taking of the Property, unless Borrower and City otherwise agree in writing, there will be applied to the sums secured by this Deed of Trust such proportion of the proceeds as is equal to that proportion which the amount of sums secured by this Deed of Trust immediately prior to the date of taking bears to the fair market value of the Property immediately prior to the date of taking, with the balance of the proceeds paid to Borrower.

If the Property is abandoned by Borrower, or if, after notice by City to Borrower that the condemnor offers to make an award or settle a claim for damages, Borrower fails to respond to City within thirty (30) days after the date such notice is mailed, City is authorized to collect and apply the proceeds, at City's option, either to restoration or repair of the Property or to the sums

- B. Assumption of the Loan as provided herein;
- C. Termination for cause as otherwise provided herein.

9. **General Terms.**

- A. In the performance of this Agreement, neither Borrower nor City shall discriminate against any provider, or potential provider, on the basis of race, color, religion, ancestry, sex, age, national origin, physical handicap or any other arbitrary factor.
- B. Borrower agrees to indemnify, defend (including, but not limited to, attorney fees and court costs) and save harmless the City, its officers, agents, and employees, from any and all claims and losses accruing or resulting to Borrower by any and all providers in connection with the performance of this Agreement, and from any and all claims and losses accruing or resulting to any person, firm, or corporation who may be injured or damaged by Borrower, or otherwise, in the performance of this Agreement.
- C. In the performance of this Agreement, Borrower, and any agents and employees of Borrower, shall act in an independent capacity and not as officers or employees or agents of the City.
- D. Borrower shall maintain the property pursuant to the State Housing Law and any applicable local ordinances or regulations and shall prevent and/or rectify any waste or deterioration of the property. Borrower shall comply with all requirements of Federal, State and local laws and ordinances pertaining to the rehabilitation of the property and shall obtain all necessary permits and approvals as required for lawful construction and completion of the project.
- E. Borrower shall promptly comply with all requirements or conditions of this Agreement relating to notices, extensions, and other events required to be reported or requested.
- F. Without the written consent of City, this Agreement is not assignable or transferable by Borrower either in whole or in part.
- G. Time is of the essence in this Agreement.
- H. No alteration or variation of the terms of this Agreement shall be valid unless made in writing and signed by all parties hereto. No oral understanding or agreement not incorporated in writing herein shall be binding on any of the parties hereto.


10. **Appeals.** Borrower may appeal any program related matter in writing to the program manager (currently Redwood Community Action Agency). The Program Manager shall investigate the appeal and render a decision in writing within thirty (30) days from its receipt. After exhausting the Program Manager appeal procedure, if dissatisfied with the decision of the Program Manager, the aggrieved party may appeal in writing as follows:

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



For Meeting of: July 17, 2012

To: City Council

From: Kevin Caldwell, Community Development Director 

Through: Jim Stretch, City Manager 

Date: July 13, 2012

Subject: Design Review Ordinance

Recommendation:

That the City Council:

1. Receive staff's report regarding the proposed Design Review Ordinance;
2. Open the public hearing, receive public input and deliberate;
3. Adopt Ordinance No. 291-2012 establishing Design Review Guidelines, Section 17.25.050 of the Rio Dell Municipal Code (RDMC);
4. Adopt Resolution No. 1167-2012 establishing a Design Review deposit/fee.
5. Direct the City Clerk, within 10 days after adoption of the Ordinance, to post an adoption summary of the Ordinance with the names of those City Council members voting for or against, or otherwise voting in at least three (3) public places and to post in the office of the City Clerk a certified copy of the full text of the adopted Ordinance pursuant to Section 36933(a) of the California Government Code.

Summary

At your meeting of July 3, 2012 your Council introduced (first reading) Ordinance No. 291-2012 establishing Design Review Guidelines. The public hearing was opened and testimony was provided regarding the proposed amendments. The public hearing was continued to this meeting.

As evidenced in the Staff Report prepared for the July 3, 2012 meeting, the process for the Ordinance has been followed and staff believes the required Public Interest and General Plan Consistency findings can be made.

Based on the nature of the project, staff determined that the project is Statutorily Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15061(b) (3) of the CEQA Guidelines this exemption is covered by the general rule that CEQA applies only to projects which have the potential for causing a **significant** effect on the environment. Where it can be seen with certainty that there is no possibility that the project in question may have a significant effect on the environment, the project is not subject to CEQA. Based on the nature of the proposed amendment, staff believes there is no evidence to suggest that the amendment will have a significant effect on the environment.

The current fee schedule does not include a Design Review deposit/fee. Accordingly staff is recommending that the Council establish the deposit at \$500.00. As the Council is aware, applicants are required to pay all actual costs based on current hourly burdened rates. Once adopted, the fees are effective sixty days thereafter.

Attachments:

1. Ordinance No. 291-2012 establishing a Design Review Ordinance, Section 17.25.050 of the Rio Dell Municipal Code.
2. Resolution No. 1167-2012 establishing a Design Review Deposit.
3. Revised Fee Schedule with Design Review deposit.

ORDINANCE NO. 291 - 2012

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL
ESTABLISHING DESIGN REVIEW REGULATIONS,
SECTION 17.25.050 OF THE RIO DELL MUNICIPAL CODE:**

THE CITY COUNCIL OF THE CITY OF RIO DELL DOES ORDAIN AS FOLLOWS:

WHEREAS the General Plan contains policies that encourage architectural guidelines; and

WHEREAS the General Plan contains implementation measures that call for the development of Design Review standards and guidelines; and

WHEREAS the purpose of the Design Review process is to promote orderly and harmonious growth within the City; and

WHEREAS the Design Review process is intended to preserve and improve the scenic amenities of the City and to protect the City's natural environment, its scenic vistas and the community's overall aesthetic quality; and

WHEREAS the Design Review process encourages good quality design, including the use of harmonious materials and colors, and the appropriate use of landscaping; and

WHEREAS in addition to protecting the City's scenic and natural resources, the Design Review process is intended to protect and maintain property values; and

WHEREAS the intent of the Design Review process is to establish discretionary review of development projects that require additional site and design considerations beyond conformance with minimum standards of the Zoning Code; and

WHEREAS the City has reviewed and processed the proposed Design Review Ordinance in conformance with Sections 65350 – 65362 of the California Government Code; and

WHEREAS the City has reviewed and processed the proposed Design Review Ordinance in conformance with Section 17.30.010 of the City of Rio Dell Municipal Code; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the proposed Design Review Ordinance is deemed to be in the public interest; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the proposed Design Review Ordinance is consistent and compatible with a comprehensive view of the General Plan and any implementation programs that may be affected; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the potential impacts of the proposed Design Review Ordinance has been assessed and have been determined not to be detrimental to the public health, safety, or welfare; and

WHEREAS the proposed Design Review Ordinance has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

WHEREAS the City has determined that the establishment of a Design Review Ordinance is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Rio Dell:

1. Finds that the proposed Design Review Ordinance is in the public interest and consistent with an overall comprehensive view of the General Plan; and
2. Finds that based on evidence on file and presented in the staff report that the potential impacts of the proposed Design Review Ordinance have been assessed and have been determined not to be detrimental to the public health, safety, or welfare; and
3. Approves the proposed Design Review Ordinance.

BE IT FURTHER RESOLVED, that the City Council of the City of Rio Dell does hereby ordain as follows:

Section 1.

1. Purpose and Intent

The purpose of the design review process is to promote orderly and harmonious growth within the City. The intent of the design review process is to establish discretionary review of development projects that require additional site and design considerations beyond conformance with minimum standards of the Zoning Code. This Chapter also includes "Guiding Principles" and "Design Concepts" to be used by the designated Approving Authority in reviewing proposed projects for design consistency the City's standards.

2. Design Review Applicability

These regulations shall apply to lands designated with the Design Review Combining Zone "D" on the Zoning Maps. In addition, except as otherwise exempt pursuant to **Section 17.250.050(3)** Design Review is required for the following:

- (a) Major Subdivisions;
- (b) Multi-family residential developments;
- (c) Commercial development;
- (d) Industrial development; and
- (e) Public/quasi-public developments (e.g. public safety facilities, library, City facilities).

3. Design Review Exemptions

The following structures and improvements are exempt from Design Review. However, such structures may require additional permits, such as a ministerial building permit to ensure compliance with adopted Building Code standards and applicable Zoning Code provisions.

- (a) Additions to structures less than 10% of its existing size;
- (b) Repairs and maintenance of site improvements or structures that do not add to, enlarge, or expand the area occupied by the land use, or the floor area of the structure. Exterior repairs that employ the same materials and design as the original construction are also exempt from Design Review;
- (c) Interior alterations that do not increase the gross floor area within the structure, or change/expand the permitted use of the structure;
- (d) Construction, alteration, or maintenance by a public utility or public agency of underground or overhead utilities intended to service existing or nearby approved developments (e.g., water, gas, electric or telecommunication supply or disposal systems, including wires, mains, drains, sewers, pipes, conduits, cables, fire-alarm boxes, police call boxes, traffic signals, hydrants, and similar facilities **and** equipment);

4. Approving Authority

The Approving Authority for Design Review shall be the Planning Commission. The Planning Commission shall review and approve, conditionally approve, or deny Design Review applications using the guiding principles and design concepts, application review process, and findings identified herein. At any point in the future, the City Council may delegate the Approving Authority for Design Review to the City Council, a Design Review Committee, the Community Development Director and/or the City Manager. Subsequent delegation of Approving Authority shall be adopted by Resolution, identifying the City's designated Approving Authority, along with any special regulations for review and action on Design Review applications.

Design Review approval is required prior to issuance of any ministerial building permits or site improvement plans and prior to or in conjunction with discretionary action of corresponding development applications (e.g., Maps, Conditional Use Permit, Variance), except as otherwise exempted pursuant to **Section 17.250.050(3)** of this Chapter.

5. Guiding Principles and Design Concepts

This Chapter provides a set of "Guiding Principles" and "Design Concepts" setting forth various aesthetic and functional provisions to guide residential, commercial, office, industrial and public/quasi public development in the City. The "Guiding Principles" are listed below. Over time, the City may, by ordinance amending this section, refine or expand these principles and concepts to reflect the changing desires of the community.

- To encourage high quality land/site planning, architecture and landscape design;
- To ensure physical, visual, and functional compatibility between uses: and
- To ensure proper attention is paid to site and architectural design, thereby protecting land values.

The designated Approving Authority under this Chapter shall have the authority to apply the "Guiding Principles" flexibly to account for circumstances relating to the site, provided the required findings in **Section 17.250.050(8)** are made and using the following Design Concepts:

(a) Residential Subdivisions. The following Design Concepts generally apply to major subdivisions (e.g. five or more parcels) of land for residential purposes. Some of the Design Concepts will not apply, to certain projects due to the size of the development. However, these concepts will be applied whenever possible in the design of residential and mixed use projects. The City encourages:

- (1) A balanced mix of land uses, including housing, schooling, and parks/open space, to meet the needs of residents as appropriate based on project scale. Large scale development proposals should also provide for employment, commercial/retail, recreational and entertainment needs of community residents.
- (2) Pedestrian friendly neighborhoods, which are walkable in size with an obvious center. The neighborhood center should be a place of social interaction with a combination of commercial, civic, cultural and recreational uses.
- (3) Housing diversity with a variety of housing types, sizes, and densities.
- (4) Vehicle, bicycle, and pedestrian, and transit connectivity throughout the neighborhood and with the surrounding neighborhoods and uses. More specifically, neighborhoods should be designed with an interconnected street system that will blend well into the existing street system, diffuse traffic within the neighborhood, and minimize barriers within and between neighborhoods.
- (5) Where feasible, joint-use of open space facilities such as drainage facilities, detention basins, utility corridors etc. for trails, bikeways and Parks.
- (6) Maintaining significant natural features (e.g., terrain, drainage, vegetation).
- (7) Minimization of urban runoff through the use of retention and detention facilities and the use of open bio-swale drainage channels
- (8) Pedestrian friendly streetscapes that may include orientation of homes to common areas, parks, or other open space areas.
- (9) Where feasible, design streets with separated sidewalks that incorporate a planter strip between the back of curb and sidewalk.

(b) Residential Multi Family. The following Design Concepts apply to the review of residential multi-family development. The City encourages:

- (1) Mass, scale and architecture which is compatible with existing and adjacent neighborhoods. The intent is to encourage appropriate transitions between uses and structures of varying residential density and a general compatibility of architectural styles.
- (2) Original designs that are tailored to the site and discourage monotonous or institutional type buildings and site design.

(3) Site designs that preserve, enhance and incorporate the significant natural features of a site as an element within the overall design.

(4) High quality building designs that consist of durable and maintainable materials for the exterior treatment of the buildings that complement the building mass and articulation.

(5) The establishment of a streetscape presence and appearance through setbacks, landscaping, building placement, and architecture that defines the pedestrian and vehicular corridor and presents an appealing and continuous theme along a sidewalk, street or trail.

(6) Landscaping that softens the appearance of pavement and structures, and provides an eventual tree canopy along the street and pedestrian walkways.

(7) Ensure that design provisions do not preclude the development of multi-family housing affordable to all income levels.

(c) Non-Residential Site Planning. The following Design Concepts apply to site planning and design for non-residential (commercial, office, industrial, and public/quasi-public) development. The City encourages:

(1) Design of new development with particular attention to compatibility between non-residential and adjacent residential uses/properties within the project vicinity.

(2) A unified design theme for integrated developments. All buildings within an integrated development shall be designed consistent with the approved design theme.

(3) Pedestrian-friendly design which incorporates pedestrian amenities and outdoor gathering places into the project design with consideration given to the climate and planned use of space.

(4) A streetscape appearance that defines the pedestrian and vehicle corridor and presents an appealing and continuous theme along a sidewalk or street.

(5) Office and light industrial parks and integrated employment campuses that provide outdoor areas for eating and sitting, retail and service venues as appropriate, and other amenities for project employees.

(6) Design flexibility for mixed-use development that ensures compatibility of use types and promotes beneficial relationships among uses.

(7) Where feasible, design streets with separated sidewalks that incorporate a planter strip between the back of curb and sidewalk.

(d) Non-Residential Architecture. The following Design Concepts apply to non-residential (commercial, office, industrial, and public/quasi-public) development. The City encourages:

(1) High quality building designs that consist of durable and maintainable materials and that provide visual interest and diversity to the community.

(2) Use of an architectural style and or/theme for new non-residential development that is consistent for building elevations of a single structure or consistent among all buildings within an integrated development.

(3) Design of buildings or structures that are sensitive to the neighborhood character with regard to scale, architectural style, use of materials and bulk.

(4) Interesting and attractive architecture which includes varied relief of the facade elements and detailed articulation of the building features.

(5) Incorporate quality site design, including landscaping, signage and other elements of site design.

6. Scope of Design Review

To implement the principles and concepts in **Section 17.250.050(5)** the scope of Design Review is listed below by land use type. Applications for Design Review shall include adequate information to evaluate the project. Specific application submittal requirements shall be listed on the application form distributed by the Planning Department.

(a) Neighborhood Design - Major Subdivisions:

- Relationship of land uses and density
- Lot configuration and orientation
- Street design/relationship to existing street network
- Orientation to open space and significant natural features
- Bikeways, trails and pedestrian facilities and connectivity with other development

(b) Multi-family Developments:

- Architecture- style, mass and scale, articulation, materials, and relationship to surrounding use and style
- Site plan- unit placement, garage location
- Landscaping and lighting for Multi-Family developments
- Streetscape design
- Fences and walls
- Solar access and shading

(c) Non-residential Development (commercial, office, industrial, and public/quasi-public)

- Architecture- style or theme, mass and scale, articulation, materials, relationship to surrounding use and style
- Site plan- building location/orientation to street, parking, grading, relationship to surrounding property
- Access- vehicular and pedestrian
- Pedestrian amenities
- Landscaping and lighting
- Edge treatment between uses and different zones
- Loading and services (trash and recycling)
- Mechanical screening
- Signs

7. Design Review Process

(a) Application Submittal. Design Review applications shall be submitted to the Planning Department on a City application form. All plans shall be professionally drawn by qualified individuals, drawn at a reasonable scale to clearly identify the improvements and shall be on 18" x 24" or 24" x 36" and shall conform to the following requirements:

- **Building Plans and Elevations** shall identify the materials, colors, textures, etc.
- **Landscaping Plans** shall include common name, botanical name, size of plants/trees at planting and maturity, location, spacing, lawns, hardscape, walkways, streetscape furniture (i.e. benches, bicycle racks, art, water features, kiosks, bus shelters, etc.), ground cover, weed treatment, finished contours, parking areas, curbs, gutters, sidewalks and the edge of pavement.
- **Irrigation Plans** shall include location of sprinkler heads, and/or drip irrigation, location and size of irrigation pipe, water meters, backflow prevention devices, control valves, etc.
- **Photometric Plans** shall include the type, location, height, style and limits of the predicted maintained lighting levels of the proposed lighting fixtures.
- **Sign Plans** shall include the location, type (e.g. wall mounted, monument, pylon), size, color, font styles and lighting details.

(b) Application Review. Design Review shall generally occur within the framework of other project reviews/approvals associated with a given project. In such cases, the Planning Department shall circulate the project for review and comment by appropriate departments, entities, and agencies prior to public hearing by the designated Approving Authority. Where no other discretionary action is associated with a project that is subject to Design Review, the Planning Director shall, within 15 working days of application submittal, determine whether or not the application is complete. The applicant is encouraged to contact staff prior to submitting the application for a preliminary review of the project. The applicant shall be notified in writing of the determination of application completeness. Once any required review by related departments, entities, and agencies has been completed, the Planning staff shall prepare a report to the designated Approving Authority on the project with a recommendation for approval, conditional approval or denial of the Design Review application. Planning staff shall be responsible for assimilating the comments and recommendations of related departments and agencies into project modifications or Conditions of Approval, as well as to ensure conformance with applicable provisions of the Municipal Code, and any subsequently adopted standards, guidelines, or area plans.

(c) Environmental Review. The project shall be reviewed in accordance with the environmental review procedures of the California Environmental Quality Act (CEQA). Design Review shall generally not result in the need for CEQA evaluation for a project that is otherwise exempt.

(d) Notice and Hearing/Determination. Public notice and hearings for Design Review applications under consideration by the designated Approving Authority shall be conducted in accordance with Chapter 17.35 of the Rio Dell Municipal Code (RDMC). The notice shall identify the subject parcel, describe the request, and identify the date of the meeting. The notice shall also identify the opportunity to provide input prior to the determination and the right to appeal the determination in accordance with this Chapter.

(e) Appeals. Appeals shall be conducted in accordance with **Section 17.35.050** of the Rio Dell Municipal Code (RDMC).

8. Design Review Determination

(a) Findings for Design Review Approvals. Design Review approvals shall be granted only when the designated Approving Authority makes all of the following findings:

- (1) The proposed project is consistent with the objectives of the General Plan, complies with applicable Zoning regulations, Specific Plan provisions, Special Planning Area provisions, and is consistent with the applicable "Guiding Principles" and "Design Concepts" in **Section 17.250.050(5)** Rio Dell Municipal Code (RDMC).
- (2) The proposed architecture, site design, and landscape are suitable for the purposes of the building and the site and will enhance the character of the neighborhood and community.
- (3) The architecture, including the character, scale and quality of the design, relationship with the site and other buildings, building materials, screening of exterior appurtenances, exterior lighting and signing and similar elements establishes a clear design concept and is compatible with the character of existing or anticipated buildings on adjoining and nearby properties.
- (4) The proposed project will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation.

(b) Additional Findings for Residential Design Review Applications. Design Review applications for single-family residential subdivision maps shall be granted only when the designated Approving Authority makes the additional finding that the residential subdivision is well integrated with the City's street network, creates desirable neighborhood environments, reflects traditional architectural styles, and establishes a pedestrian friendly environment.

(c) Conditions. The designated Approving Authority may require modifications to plans in whole or in part and may condition the Design Review application to ensure specific design features, construction materials, and conformance with all applicable provisions of this chapter.

(d) Permit Issuance. Approval of the Design Review application shall only become valid upon completion of the designated ten-day appeal period.

(e) Permit Term. Where Design Review is approved in conjunction with a related action, the Design Review approval shall remain valid for a period consistent with related review/approval. Where no other discretionary review/approval is required, the Design Review approval shall be valid for a period of three (3) years from the date of final approval.

Section 2. Severability

If any provision of the ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

Section 3. Limitation of Actions

Any action to challenge the validity or legality of any provision of this ordinance on any grounds shall be brought by court action commenced within ninety (90) days of the date of adoption of this ordinance.

Section 4. CEQA Compliance

The City Council has determined that the adoption of this ordinance is exempt from review under the California Environmental Quality Act (CEQA), subject to Section 15061 of the CEQA Guidelines. Due to the nature of the proposed code revisions, there is no evidence that any impact to the environment would occur as a result of adoption of the Ordinance. Any environmental affects associated with adoption and implementation of the Ordinance would be beneficial in nature.

Section 5. Effective Date

This ordinance becomes effective thirty (30) days after the date of its approval and adoption.

I HEREBY CERTIFY that the forgoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Rio Dell on July 3, 2012 and furthermore the forgoing Ordinance was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the 17th of July 2012 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Julie Woodall, Mayor

ATTEST:

Karen Dunham, City Clerk

RESOLUTION NO. 1167 – 2012

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIO DELL
ESTABLISHING DESIGN REVIEW DEPOSIT/FEEES:**

WHEREAS the City of Rio Dell is authorized by Article XIII of the California Constitution and the California Government Code to charge fees to cover the costs of permit processing; and

WHEREAS various provisions of State law provide that fees for planning services cannot exceed the actual costs of processing applications; and

WHEREAS the current Fee Schedule does not include a Design Review deposit/fee; and

WHEREAS applicants are required to pay all actual costs; and

WHEREAS the City has provided notice of the open and public hearing regarding the proposed deposit/fee in accordance with Sections 66016 of the California Government Code; and

WHEREAS the adoption of fees and charges for development project review is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Section 21080(b)(8) of the Public Resources Code; and

NOW, THEREFORE, BE IT RESOLVED that the City Council approves and adopts the following:

Section 1. Findings

1. The Design Review deposit/fee established herein will not exceed the costs associated with processing required permits.
2. A duly noticed public hearing on the proposed fees was conducted in the manner prescribed by applicable provisions of State law.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council approves and adopts the following:

1. A \$500.00 deposit shall be required at the time of application for Design Review projects.
2. The fee for Design Review shall not exceed the costs associated with processing required permits.
3. The deposit/fee shall be effective sixty (60) days from the date of adoption.

PASSED AND ADOPTED by the City Council of the City of Rio Dell at their meeting of July 17, 2012 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Julie Woodall, Mayor of the City of Rio Dell


ATTEST:

Karen Dunham, City Clerk

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



TO: Honorable Rio Dell City Council

FROM: Jim Stretch,  City Manager

DATE: July 17, 2012

SUBJECT: 2nd reading and adoption of Street Improvement Assessment
Project Ordinance No. 293-2012

COUNCIL ACTION:

A. By motion, open public hearing for 2nd reading, and then approval of Ordinance No. 293-2012, calling for an election, and ordering the submission of a proposition of incurring bonded debt for the purpose of construction of street improvements to qualified voters at the general election to be held on November 6, 2012.

RECENT BACKGROUND:

On July 3, 2012, the City Council discussed the fact that Measure X on the June 5, 2012 special election, concerning a special street improvement assessment, failed to pass by a mere 25 votes. Many community members were encouraged that the vote was so close and urged the Council to double their efforts and try again.

Also on November 3, 2012 the City Council directed staff to work with legal counsel to prepare a voter petition for immediate circulation to gather signatures to qualify the proposition for the November 6, 2012 election. Based on the advice of the County Election Division, the number of qualified signatures needed is 71. The City Clerk is to submit the petition signatures to County Elections on 7-17-12 to have them verify the signatures. She will report that result at the 7-17-12 meeting.

On July 10, 2012 the City Council: 1) determined the public interest and necessity for street improvements financed by the issuance of general obligation bonds, and approved Resolution approved Resolution No.1163-2012, 2) approved Resolution No. 1164-2112 requesting the County to include Rio Dell's special improvement measure on the November 6, 2012 ballot, and 3) opened the noticed public and had the first reading of Ordinance 293-2012, by title only, calling an election and ordering the submission of a proposition to incur bonded debt for street improvements to the voters at the general municipal election on November 6, 2012.

Ordinance No. 293-2012 is now ready for the second and final reading. Pursuant to Elections Code section 36937(a) the Ordinance becomes effective at the time of passage, if adopted by two-thirds vote of all members of the City Council.

BACKGROUND INFORMATION PREVIOUSLY PRESENTED

As most citizens know firsthand the majority of City streets are badly in need of repair. Some are so deteriorated that if they are not overlaid soon they will have to be reconstructed at significantly higher costs and for which the City has not the financial resources. The cost to re-construct a city street is about ten times the cost of an asphalt overlay. Other streets need a slurry seal-coat in order to extend their useful life and prevent the need for additional costly maintenance in the near future. A County pavement study in 2010 concluded that the City had the worst rated streets in the entire County.

The reason the streets are in such a condition is simple – the City has not had adequate revenue to fund the necessary maintenance required to keep streets in proper condition. Maintenance has been deferred for too many years and now the cost of addressing the situation on a City wide basis is far beyond the financial ability of the City.

Bad streets are not just a driving inconvenience; they are also a prominent factor that reduces the value of one's home abutting such a street. In some cases this cost could be in the neighborhood of \$15,000 to \$20,000 or more. Bad streets also make it more difficult to sell a home and in some cases can deter a buyer from even making an offer.

Adequate street maintenance is every citizens concern because even if your property is not located on a bad street, you probably have to drive on a bad street to

navigate the City and the image that bad streets portrays indirectly impacts the image and value of your property.

To address this situation it is proposed to implement a Street Improvement Assessment Project, similar to the measure that appeared on the June 5, 2012 ballot which garnered 62.7% of the vote, 25 votes from the 66-2/3 approval threshold.

THE STREET IMPROVEMENT ASSESSMENT PROJECT:

The proposed Street Improvement Assessment Project encompasses either providing an asphalt overlay or slurry seal-coat over about 11.5 miles of City streets, constituting roughly 80% of all the streets in the City. Not considering Wildwood Avenue which was recently paved with federal grant funds, the percentage jumps to nearly 89 % of all other City streets.

A map available at Hall shows which streets are proposed for an asphalt overlay or slurry seal-coat. An asphalt overlay is what was done recently to Wildwood Avenue as well as small sections of other City streets such as West Center Street adjacent to Firemen's Park. Although there are no examples of slurry seal-coat in the City, a slurry seal-coat is a premium version of a chip seal that is typically used to extend the life of asphalt pavement.

The cost of the Street Improvement Assessment Project is estimated to be \$2,825,000. In order to complete all of the work at once, which will significantly reduce the unit cost; it is proposed that the City issue General Obligation (G.O.) Bonds. The bonds would be paid over a 15 year term by an assessment on every property in the City based on assessed value.

To reduce the project cost and therefore the assessment to property owners, it is proposed that the City contribute funding in the total amount of \$825,000. The source of this funding would be \$300,000 in street reserves and \$525,000 in General Fund reserves. Consequently, only \$2,000,000 will have to be bonded and repaid by property assessments.

The City has had discussions with the United States Department of Agriculture (USDA) regarding purchasing the G.O. Bonds. The current interest rate is 3.75% which is a very low rate for 15 year funding and may not be available in future years.

The City has preliminarily estimated the annual cost, which is based on assessed value, to average homeowners in three neighborhoods: the First to Third Avenue area - \$122.00, the Ogle Avenue/Bellview Road area - \$137.00, and the Riverside Drive area - \$155.00. Note that the initial annual cost noted above is projected to decline every year over the 15 year term.

In order for the City to assess any property the project must be placed on the ballot for the November 6, 2012 general election. Two thirds (66.6666%) of the votes cast would have to support the project in order for bonds to be sold and the project implemented. Consequently, it will be solely up to the voters if this project becomes a reality.

The specific ballot measure would read:

STREET IMPROVEMENTS BOND MEASURE

"To finance the costs of constructing street improvements consisting of either an asphalt overlay or slurry seal-coat to existing streets in the City of Rio Dell, in order to improve the driving surface and extend the useful life of the roadways in the most economical manner possible, shall the City of Rio Dell issue \$2 million in general obligation bonds, maturing 15 years from their issue date, and bearing interest at a rate not in excess of 4.25%?"

_____ YES _____ NO

In order to fully inform voters about the project and answer questions, City staff proposes to hold a series of informal neighborhood meetings this summer and fall, as well as mailings.

The advantages of supporting the project include:

- 11.5 miles of poorly maintained streets will be repaired at one time improving driving conditions and better looking.
- The improved streets will be more bicycle friendly.
- The City can contribute to reducing the total cost by \$825,000 or about 30%.
- The project can be financed over 15 years at an interest rate of about 3.75%, this may not be available again.
- Significant repair of City streets will likely increase the value of most City properties.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL
CALLING AN ELECTION AND ORDERING THE SUBMISSION OF A
PROPOSITION OF INCURRING BONDED DEBT FOR THE PURPOSE
OF THE CONSTRUCTION AND COMPLETION OF STREET
IMPROVEMENTS, TO THE QUALIFIED VOTERS OF THE CITY OF RIO
DELL AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON
NOVEMBER 6, 2012

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WHEREAS, on July 10, 2012, this City Council adopted, by a two-thirds vote of all the members of said Council, a Resolution entitled "A Resolution of the City Council of the City of Rio Dell Determining That the Public Interest and Necessity Demand the Construction and Completion of Street Improvements, and Their Financing Through the Issuance of General Obligation Bonds" (the "Resolution"); and

WHEREAS, in order to provide for the issuance by the City of its general obligation bonds to finance the costs of constructing street improvements consisting of either an asphalt overlay or slurry seal-coat to approximately 11.5 miles of existing streets in the City, in order to measurably improve the driving surface and extend the useful life of over 80% of all the existing roadways in the most economical and cost effective manner possible (the "Improvements"), it is necessary for this Council to pass an ordinance ordering the submission of the proposition of incurring bonded indebtedness for such purpose to the qualified voters of the City at an election; and

WHEREAS, a General Election for the City is to be held on Tuesday, November 6, 2012; and

WHEREAS, the City Council desires to submit to the voters at said election the proposition of incurring bonded indebtedness as hereinafter set forth; and

WHEREAS, at least 15% of the qualified voters of the City as shown by the votes cast for all candidates for Governor at the last election have signed and submitted to the City Clerk a petition to the City Council requesting submission of such a proposition.

Now therefore, the City Council of the City of Rio Dell does ordain as follows:

SECTION 1. That the following question shall be submitted to the voters of the City at the General Election to be held on November 6, 2012:

STREET IMPROVEMENTS BOND MEASURE

"To finance the costs of constructing street improvements consisting of either an asphalt overlay or slurry seal-coat to existing streets in the City of Rio Dell, in

order to improve the driving surface and extend the useful life of the roadways in the most economical manner possible, shall the City of Rio Dell issue \$2 million in general obligation bonds, maturing 15 years from their issue date, and bearing interest at a rate not in excess of 6%?"

_____ YES _____ NO

SECTION 2. The object and purpose of incurring the indebtedness is to finance the costs of constructing the Improvements described in the recitals to this Ordinance.

SECTION 3. The estimated cost of the portion of the costs of the Improvements to be paid for from the City's general obligations bonds is Two Million Dollars (\$2,000,000), the City having determined to contribute approximately \$850,000 of its general funds towards the cost of the Improvements. The estimated cost includes legal and other fees and the cost of printing the bonds and other costs and expenses incidental to or connected with the authorization, issuance and sale of bonds. The cost of constructing the Improvements in excess of \$2,000,000 will be paid for from other funds of the City.

SECTION 4. The amount of the principal of the indebtedness to be incurred is not to exceed Two Million Dollars (\$2,000,000).

SECTION 5. The maximum rate of interest to be paid on the indebtedness shall be six percent (6%) per annum.

SECTION 6. This City Council does hereby call an election on Tuesday, November 6, 2012, and submit to the qualified voters of the City, at said election, the proposition set forth in Section 1 hereof. The City proposes to acquire, construct and complete the Improvements, and to issue and sell General Obligation Bonds of the City pursuant to Article 1, commencing with Section 43600, of Chapter 4 of Division 4 of Title 4 of the California Government Code and/or Article 4.5, commencing with Section 53506, of Chapter 3 of Part 1 of Division 2 of Title 5 of the California Government Code, in one or more series, in the maximum amount and for the objects and purposes set forth above, if two-thirds of all qualified voters voting on the proposition set forth above vote in favor thereof. The bonds are to be general obligations of the City, payable from and secured by taxes levied and collected in the manner prescribed by laws of the State of California. All of said bonds are to be equally and ratably secured, without priority, by the taxing power of the City.

SECTION 7. That in all particulars not recited in this Ordinance, the election shall be held and conducted as provided by law for holding municipal elections. That pursuant to the requirements of section 10403 of the Elections Code, the Board of Supervisors of the County of Humboldt is hereby requested to consent and agree to the consolidation of the City's municipal election with the Statewide General Election on Tuesday, November 6, 2012, and said election shall be held in all respects as if there were only one election and only one form of ballot shall be used.

SECTION 8. Each voter to vote for the proposition and for the incurring of said indebtedness shall fill in the oval to the left of the word "YES" on the ballot below the proposition heading; and each voter to vote against the proposition and against the incurring of said indebtedness shall fill in the oval to the left of the word "NO" on the ballot below the proposition heading.

SECTION 9. Notice of the time and place of holding the election is given and the City Clerk is authorized, instructed, and directed to give further or additional notice of the election, in the time, form, and manner required by law.

SECTION 10. This Ordinance shall be published once a day for at least seven days in a newspaper printed, published and circulated at least six days a week in the City, or once a week for two weeks in a newspaper printed, published and circulated less than six days a week in the City. The first of said publications shall, in either event, be within fifteen (15) days after the adoption of this ordinance. The City Clerk is hereby authorized and directed to make said publications and to transmit, for receipt no later than July 18, 2012, a certified copy of this Ordinance to the Board of Supervisors (the "Board of Supervisors") of Humboldt County (the "County"), and a copy with the County Clerk of the County and the Registrar of Voters of the County. The City Manager is hereby authorized and directed to make any changes to the text of the Measure as required to conform to any requirements the Act or the Registrar of Voters of the County.

SECTION 11. The Board of Supervisors is hereby authorized to canvass the returns of the Bond Election herein authorized.

SECTION 12. The Board of Supervisors is hereby requested to issue instructions to the County Elections Department to take any and all steps necessary for the holding of the said consolidated elections.

SECTION 13. As required by Section 53410 of the Government Code, a statement in substantially the following form shall be included in the Bond measure, and the City Council covenants to comply with the reporting requirements contained in Section 53411 of the Government Code:

Accountability Measures

As required by Section 53410 of the Government Code, the following accountability measures are hereby made a part of the City's Bond Measure __ (the "Measure"):

- a) The specific purpose of the bonds is to finance the costs of constructing street improvements consisting of either an asphalt overlay or slurry seal-coat to approximately 11.5 miles of existing streets in the City, in order to measurably improve the driving surface and extend the useful life of over 80% of all the existing roadways in the most economical and cost effect manner possible;

b) The proceeds from the sale of the City's bonds will be used only for the purposes specified in the Measure, and not for any other purpose;

c) The proceeds of the Bonds will be deposited into a street improvement construction fund to be held by the City; and

d) The Finance Director of the City shall file an annual report with the City Council of the City, commencing not later than one year after the bonds have been issued, and annually thereafter until the project is complete, which report shall contain pertinent information regarding the amount of funds collected and expended, as well as the status of the street improvement project listed in the Measure.

SECTION 14. That the City of Rio Dell recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any costs.

SECTION 15. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 16. That the City Clerk is authorized, instructed and directed to have the Humboldt County Election Department procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

SECTION 17. That the polls for the election shall be open at 7:00 o'clock a.m. of the day of the election and shall remain open continuously from that time until 8:00 o'clock p.m. of the same day when the polls shall be closed, except as provided in Section 14401 of the Elections Code of the State of California.

SECTION 18. The City Council directs the City Clerk to transmit a copy of the measure to the City Attorney, who shall prepare an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure.

SECTION 19. This Ordinance shall become effective immediately as an ordinance relating to an election pursuant to Government Code section 36937(a) upon its adoption by two-thirds vote of all the members of this City Council.

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On motion of Council Member _____, seconded by Council Member _____, the above ordinance was introduced with the first reading waived at a special meeting of the City Council on the 10th day of July, 2012, and passed and adopted at a regular meeting of said Council held on the 17th day of July, 2012, by the following vote:

AYES:

NOES:

ABSENT:

Julie Woodall, Mayor

ATTEST:

Karen Dunham, City Clerk

CITY STREETS TO BE IMPROVED

